



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TERRY D. MORGAN
WILLIAMS, MORGAN & AMERSON, P.C.
SUITE 1100
10333 RICHMOND
HOUSTON TX 77042

COPY MAILED

MAR 17 2009

OFFICE OF PETITIONS

In re Application of :
Hiller et al. :
Application No. 10/799,569 : **DECISION ON PETITION**
Filed: March 12, 2004 :
Attorney Docket No. 2100.005300/HILLER 21-15 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 2008, which will be treated as a petition to withdraw of the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The above-identified application was held abandoned for failure to timely reply to the final Office action mailed June 21, 2007, which set a shortened statutory period for reply of three (3) months. A three-month extension of time and reply under the provisions of 37 CFR 1.136(a) was timely obtained on December 21, 2007 (Certificate of Mailing date). A Notice of Abandonment was mailed on December 28, 2007.

Petitioner contends that a response in the form of a Notice of Appeal and extension of time was timely filed on December 21, 2007 (Certificate of Mailing date). A review of the record shows that this is the case.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status. The petition to revive under 37 CFR 1.137(b) is hereby **DISMISSED AS MOOT**.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Accordingly, the large entity \$1,620.00 petition fee submitted with the 1.137(b) will be credited to petitioner's Deposit Account in due course.

As petitioner also submitted a Request for Continued Examination (RCE) with the instant petition, this matter is being referred to Technology Center AU 2618 for further processing.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions